

IDAHO CONTRACTORS BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 5/19/2015

BOARD MEMBERS PRESENT: John Robert Pilote - Chair
Deborah Ann Karren
Gary Robert Bond
Charles Roy Ellis

BOARD MEMBERS ABSENT: Scott Schriber

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitch Toryanski, Legal Counsel
Eric Nelson, Board Prosecutor
Mary Miles, Technical Records Specialist I
Nancy Lyles, Financial Technician
Scott Mayne, Financial Technician Assistant

OTHERS PRESENT: Chuck Miller, Chuck Miller Construction Inc.
Fernando Alaniz
Jeff Jennings

The meeting was called to order at 8:30 AM MDT by John Robert Pilote.

AMENDED AGENDA

Mr. Ellis made a motion to amend the agenda due to a Consent Order and several Emergency Suspension Orders being received after the agenda was posted. It was seconded by Mr. Bond. Motion carried.

APPROVAL OF MINUTES

Mr. Ellis made a motion to approve the minutes of 4/14/2015. It was seconded by Mr. Bond. Motion carried.

EDUCATION IN LIEU OF FINES

Mr. Miller discussed his idea of requiring educational classes in disciplinary actions either in lieu of or with a fine. After discussion, the Board requested that Mr. Miller research how Utah handles discipline vs education and to present his findings to the Board at its next meeting on 6/16/2015.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She reminded the Board that law change proposals are due by August 1st and proposed rules are to be submitted by the third week of August.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$156,853.91 as of 4/30/2015. Mr. Pilote requested to see a chart of the investigative costs over the last five years.

FEE INCREASE PROPOSALS

Ms. Hall presented to the Board members three fee increase scenarios. The sub-committee will discuss the fee increases and discuss at a future Board meeting.

EXECUTIVE SESSION

Ms. Karren made a motion that the Board go into executive session under Idaho Code § 67-2345(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the Executive Session was to consider license application materials. It was seconded by Mr. Bond. The vote was: Ms. Karren, aye; Mr. Bond, aye; Mr. Ellis, aye; and Mr. Pilote, aye. Motion carried.

Mr. Ellis made a motion to come out of executive session. It was seconded by Mr. Bond. The vote was: Ms. Karren, aye; Mr. Bond, aye; Mr. Ellis, aye; and Mr. Pilote, aye. Motion carried.

Ms. Karren made a motion to approve Fernando Alaniz and A1 Handyman LLC for registration. It was seconded by Mr. Ellis. Motion carried.

MEMORANDUM

Mr. Nelson presented a memorandum regarding case numbers CON-2014-50, CON-2014-78, CON-2014-74, CON-2014-66, CON-2014-84, CON-2014-46, and CON-2014-105. After discussion, the Board gave recommendations for appropriate discipline. Mr. Ellis made a motion to authorize closure of case number CON-2014-57 with a warning letter. It was seconded by Mr. Bond. Motion carried.

DISCIPLINE

Mr. Nelson presented the Stipulations and Consent Orders for case numbers CON-2013-38, CON-2014-6, CON-2014-15, CON-2014-33, CON-2015-63 and CON-2015-65. Mr. Ellis made a motion to approve the Stipulations and Consent Orders and to authorize the Board Chair to sign on behalf of the Board. It was seconded by Mr. Bond. Motion carried.

Mr. Nelson presented the Findings of Fact, Conclusions of Law, and Final Orders for case numbers CON-2013-39, CON-2013-51, CON-2013-90, CON-2014-13, CON-2014-29, CON-2015-9 and CON-2015-47. Mr. Bond made a motion to approve the Findings of

Fact, Conclusions of Law and Final Orders and to authorize the Board Chair to sign on behalf of the Board. It was seconded by Ms. Karren. Motion carried.

Mr. Nelson presented the Emergency Suspension Orders for case numbers CON-2015-61, CON-2015-62, CON-2015-64, and CON-2015-67. Mr. Bond made a motion to approve the Emergency Suspension Orders and to authorize the Board Chair to sign on behalf of the Board. It was seconded by Ms. Karren. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Mr. Bond made a motion to approve the Bureau's recommendation and authorize closure in cases I-CON-2015-53, I-CON-2015-112, I-CON-2015-127, I-CON-2015-138, I-CON-2015-149, I-CON-2015-163, I-CON-2015-166, I-CON-2015-168, I-CON-2015-169, I-CON-2015-189, I-CON-2015-93, I-CON-2015-126, I-CON-2015-130, I-CON-2015-131, I-CON-2015-145, I-CON-2015-146, I-CON-2015-170, I-CON-2015-182, I-CON-2015-140, I-CON-2015-144, CON-2015-154, I-CON-2015-171, I-CON-2015-177, and I-CON-2015-181 . It was seconded by Mr. Ellis. Motion carried.

Mr. Ellis made a motion to approve the Bureau's recommendation and authorize closure in cases I-CON-2014-54, I-CON-2014-309, I-CON-2014-317, I-CON 2014-319, -CON-2014-320, I-CON-2015-8, I-CON-2015-13, I-CON-2015-20, I-CON-2015-21, I-CON-2015-38, I-CON-2015-76, I-CON-2015-99, I-CON-2015-101 and I-CON-2015-122 . It was seconded by Mr. Bond. Motion carried.

COURT OPINION – BOARD IMMUNITY

Mr. Toryanski discussed the North Carolina State Board of Dental Examiners vs The Federal Trade Commission.

BOARD MEMBER TRAINING

Mr. Toryanski will present Board member training at the next meeting on 6/16/2015.

REINSTATEMENT FEE ADJUSTMENT (I.C. SEC. 67-2614)

Mr. Toryanski discussed options regarding reinstatement fees. The Board would like the rule to reflect the statute which would raise the reinstatement fee from \$25 to \$35 and would be consistent with other Boards served by the Bureau. Mr. Toryanski will bring a draft to a future Board meeting.

TO DO LIST

The Board reviewed the to do list and no action was taken.

NEXT MEETING was scheduled for 6/16/2015 Conference Call at 10:00AM.

The Board also scheduled the following meetings:

- 7/21/2015 Face to Face 8:30AM

- 8/11/2015 Conference Call at 10:00AM
- 9/15//2015 Conference Call at 10:00AM
- 10/20/2015 Conference Call at 10:00AM
- 11/10/2015 Face to Face 8:30AM
- 12/15/2015 Conference Call at 10:00AM

BUSINESS ENTITY APPLICATION REVISIONS

Mr. Ellis made a motion to approve the changes to the business entity application as presented to the Board. It was seconded by Mr. Bond. Motion carried.

OFFICER/OWNER CHANGES

The Board discussed how to handle the list of owners and directors for large corporations or entities. Changes to these registrations can be cumbersome. Ms. Hall will research how Public Works handles owner/officer changes and bring the information to the next meeting. Ms. Hall, Mr. Ellsworth and Ms. Miles will work on suggestions to bring back to the next Board meeting.

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Mr. Bond made a motion to come out of executive session. It was seconded by Ms. Karren. The vote was: Ms. Karren, aye; Mr. Bond, aye; Mr. Ellis, aye; and Mr. Pilote, aye. Motion carried.

APPLICATIONS

Mr. Ellis made a motion to approve the following for licensure:

Approved for Licensure

GODS COUNTRY BUILDERS LLC	RCE-38506
J REILLY ENTERPRISES LLC	RCE-39257
A1 HANDYMAN LLC	RCE-39329
GV TILE LLC	RCE-39431
COOPER STRUCTURE AND FINISH LLC	RCE-39438
RESURRECTION CONSTRUCTION LLC	RCE-39532
RASMUSSEN RESTORATION & BUILDING LLC	RCE-39599
DRY PROS LLC	RCE-39600
ALANIZ FERNANDO	RCT-39641
GARRETT JOSEPH	RCT-39502
MAYERS MIKE LYLE	RCT-39483
PALOMO ANNETTE F	RCT-39512
WALTER NATHAN JAMES	RCT-38275

It was seconded by Mr. Bond. Motion carried.

Mr. Bond made a motion to deny the application for Shawn H. Wells based on Rule 165.02.i, ii, iii and iv. It was seconded by Ms. Karren. Motion carried.

Mr. Ellis made a motion to deny the application for Edward Andersen based on Rule 165.02.i and iii. It was seconded by Mr. Bond. Motion carried.

ADJOURNMENT

Mr. Bond made a motion to adjourn the meeting at 12:55 PM. It was seconded by Ms. Karren. Motion carried.

John Robert Pilote, Chair

Deborah Ann Karren

Scott Schriber

Gary Robert Bond

Charles Roy Ellis

Tana Cory, Bureau Chief